

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPOSITE MASONRY BLOCK

The specification of which

a. is attached hereto

b. X was filed on October 1, 1993 as application serial no. 08/130,298 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. X no such applications have been filed.

b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
Serial No. 08/056,986	4 May, 1993	Pending
Serial No. 07/957,598	6 October, 1992	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Bartingale, Kari H.	Reg. No. 35,183	Hassing, Thomas A.	Reg. No. 36,159	Schuman, Mark D.	Reg. No. 31,197
Batzli, Brian H.	Reg. No. 32,960	Hillson, Randall A.	Reg. No. 31,838	Schumann, Michael D.	Reg. No. 30,422
Beard, John L.	Reg. No. 27,612	Hurey, Michael	Reg. No. 33,513	Schwappach, Karl G.	Reg. No. 35,786
Beck, Robert C.	Reg. No. 28,184	Kastelic, Joseph M.	Reg. No. 37,160	Schwegman, Micheal L.	Reg. No. 25,816
Bogucki, Raymond A.	Reg. No. 17,426	Kluth, Daniel J.	Reg. No. 32,146	Sebald, Gregory A.	Reg. No. 33,280
Brennan, Thomas F.	Reg. No. 35,075	Kowalchyk, Alan W.	Reg. No. 31,535	Smith, Phillip H.	Reg. No. 20,476
Bruess, Steven C.	Reg. No. 34,130	Kowalchyk, Katherine M.	Reg. No. 36,848	Sorensen, Andrew D.	Reg. No. 33,606
Byrne, Linda M.	Reg. No. 32,404	Lasky, Michael B.	Reg. No. 29,555	Strawbridge, Douglas A.	Reg. No. 28,376
Carlson, Alan G.	Reg. No. 25,959	Lundberg, Steven W.	Reg. No. 30,568	Strodthoff, Kristine M.	Reg. No. 34,259
Carter, Charles G.	Reg. No. 35,093	Lynch, David W.	Reg. No. 36,204	Sumner, John P.	Reg. No. 29,114
Caspers, Philip P.	Reg. No. 33,227	Mau, Michael L.	Reg. No. 30,087	Summers, John S.	Reg. No. 24,216
Clifford, John A.	Reg. No. 30,247	McDonald, Daniel W.	Reg. No. 32,044	Tellekson, David K.	Reg. No. 32,314
Conrad, Timothy R.	Reg. No. 30,164	McDonald, Wendy M.	Reg. No. 32,427	Underhill, Albert L.	Reg. No. 27,403
DiPietro, Mark J.	Reg. No. 28,707	Moy, R. Carl	Reg. No. 30,725	Vandenburgh, J. Derek	Reg. No. 32,179
Edell, Robert T.	Reg. No. 20,187	Mueting, Ann M.	Reg. No. 33,977	Vietzke, Lance L.	Reg. No. 36,708
Gates, George H.	Reg. No. 33,500	Nelson, Albin J.	Reg. No. 28,650	Welter, Paul A.	Reg. No. 20,890
Golla, Charles E.	Reg. No. 26,896	Raasch, Kevin W.	Reg. No. 35,651	Williams, Douglas J.	Reg. No. 27,054
Gould, John D.	Reg. No. 18,223	Reiland, Earl D.	Reg. No. 25,767	Woessner, Warren D.	Reg. No. 30,440
Gresens, John J.	Reg. No. 33,112	Schmidt, Cecil C.	Reg. No. 20,566	Wood, Gregory B.	Reg. No. 28,133
Hamre, Curtis B.	Reg. No. 29,165				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

1000 Norwest Center, Saint Paul, MN 55101-2701
Telephone No. (612)298-1055

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Sievert	Dick	J.
2	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
0		New Richmond	Wisconsin WI	U.S.A.
1	Post Office Address	Post Office Address	City	State & Zip Code/Country
		1322 Bilmar Avenue	New Richmond	WI 54017/U.S.A.
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Woolford	Michael	E.
2	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
0		Lake Elmo	Minnesota MN	United Kingdom
2	Post Office Address	Post Office Address	City	State & Zip Code/Country
		3476 Jamaca Avenue North	Lake Elmo	MN 55042/U.S.A.
	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
2	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
0				
3	Post Office Address	Post Office Address	City	State & Zip Code/Country
	Signature of Inventor 201	Signature of Inventor 202	Signature of Inventor 203	
	<i>Michael E. Woolford</i>	<i>Michael E. Woolford</i>		
	Date	Date	Date	
	Dec. 1, 1993	1st Dec 1993		

For Additional Inventors:
— Indicate here and attach sheet with same information, including date and signature.

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, of the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

CORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Dick J. Sievert Michael E. Woolford
1322 Bilmar Avenue 3476 Jamaca Avenue North
New Richmond, WI 54017 Lake Elmo, MN 55042

Additional name(s) of conveying party(ies) attached? [] Yes [X] No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name☐ Other

Execution Date: December 1, 1993

2. Name and address of receiving party(ies):

Name: Anchor Wall Systems, Inc.

Internal Address:

Street Address: 8309 Brooklyn Blvd.

City: Brooklyn Park State: MN ZIP: 55445

Additional name(s) & address(es) attached? [] Yes [X] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John J. Gresens

Address: Merchant, Gould, Smith, Edell,
Welter & Schmidt
Suite 1000, Norwest Center
55 East Fifth Street
St. Paul, MN 55101-2701

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725

(A Duplicate copy of this page is attached.)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John J. Gresens
Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

93418620

ASSIGNMENT

WHEREAS, I/WE, Dick J. Sievert and Michael E. Woolford residing at 1322 Bilmar Avenue, New Richmond, Wisconsin 54017 and 3476 Jamaca Avenue North, Lake Elmo, Minnesota 55042 made certain new and useful inventions and improvements for which I/We executed an application for Letters Patent of the United States on October 1, 1993 which is entitled COMPOSITE MASONRY BLOCK as Serial No. 08/130,298.

AND WHEREAS, Anchor Wall Systems, Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 8309 Brooklyn Blvd., Brooklyn Park, Minnesota 55445 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, I/we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and I/we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, I/we do hereby agree that I and my/we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to me/us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore I/we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by me/us.

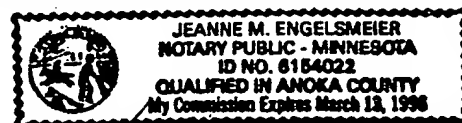
REEL 848 FRAME 708

IN TESTIMONY WHEREOF, I have hereunto set my hand this 1 day of Dec.
1993

Dick J. Sivert

STATE OF Minnesota)
COUNTY OF Anoka) ss.

On this 01 day of December, 1993 before me personally appeared Dick J. Sivert to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



Jeanne M. Engelsmeier
Notary Public

SEAL

RECORDED
PATENT & TRADEMARK OFFICE

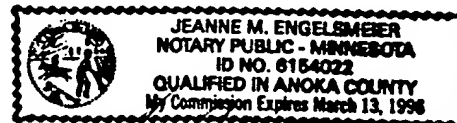
DEC 15 93

IN TESTIMONY WHEREOF, I have hereunto set my hand this 1 day of Dec
1993

Michael E. Wulford

STATE OF Minnesota)
COUNTY OF Anoka) ss.

On this 01 day of December, 1993 before me personally appeared Michael E. Wulford to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



Jeanne M. Engelsmeier
Notary Public

SEAL